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August 29, 2016

Ms. Marlene Dortch, Secretary
FEDERAL COMMUNICATIONS COMMISSION
445 12th Street, SW
Washington, DC 20554

RE: Mortgage Bankers Association Petition for TCPA Exemption
CG Docket No. 02-278

Dear Ms. Dortch:

We are consumer protection lawyers with offices in suburban Philadelphia and New Jersey, where our firm represents mostly low income consumers in matters against banks. We write in opposition to the petition of the Mortgage Bankers Association to have their members exempt from the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. §227 et seq.

Anyone who has ever represented a person who is behind on their mortgage or facing foreclosure understands that there are very few more financially trying situations for a person to endure in life. The mortgage is usually the first bill to get paid at the expense of all others. When the consumer falls behind, it's usually a symptom of a family in dire straits financially. This is often the result of an illness in the family, loss of a job, or any number of problematic life situations. The last thing these folks need is to be bombarded with robo-calls to their cell phones reminding them that they are behind on their mortgage. They know.

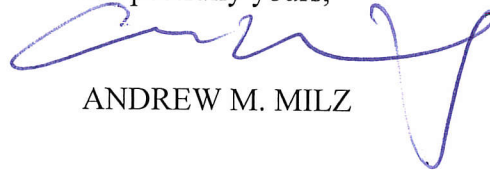
Facing foreclosure or default is bad enough. Incessant robo-calls add insult to injury and layers of aggravation, anger and distress. We have personally seen how consumers harassed by robo-calls to their cell phone have emotionally cracked under the pressure. We carry our cell phones with us everywhere we go. As such, these annoying calls harass consumers at the worst possible times – while driving, in a work meeting, or blowing out the candles on their child's birthday cake. The robo-calls cause folks to turn off the ringer on their phones, disconnecting from friends and family that they would otherwise want to talk to. It causes them to miss important phone calls with their loved ones. This in turn causes more stress and negatively effects relationships. Robo-calls to cell phones truly are the "scourge of modern civilization." 137 Cong. Rec. 30, 821-22 (1991).

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Most Americans behind on their mortgage would pay if they could. Bombarding them with robo-calls is simply not an effective way to get them to pay any more, any sooner. Indeed, it can only contribute to additional aggravation and stress which may result in further adverse financial consequences for the consumer (and, paradoxically, upset their ability to pay their mortgage; counteracting the bank's interest in having them robo-called in the first place). There is no reason why these sophisticated large banks cannot continue to rely on traditional means of contacting consumers. They can send a letter. They can write an email. They can even make a phone call to the consumer's landline. Robo-calls to cellphones are unnecessary and harassing by their very nature.

Mortgage bankers should not be exempt from the TCPA – which prevents them from bombarding the consumer with robo-calls all hours of the day at any place the consumer happens to be carrying their phone. Any such exemption would have a real world negative effect on those Americans already in the direst of financial circumstances. We respectfully ask that the Petition of the Mortgage Bankers Association for exemption from the TCPA be denied.

Respectfully yours,



ANDREW M. MILZ

AMM:jr